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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 PAUL ENGSTROM, VINCENT
CUOMO, ABRAHAM ELLIOTT, and
15 JOSEPH KRIEGER,
16 Defendants.

Case No. 2:21-cr-00190-APG-EJY

**STIPULATION FOR A
PROTECTIVE ORDER**

18 Plaintiff United States of America, by and through its counsel of record, Assistant
19 United States Attorney Daniel Clarkson; defendant Paul Engstrom, by and through his counsel,
20 Jawara Griffin, Assistant Federal Public Defender; defendant Vincent Cuomo, by and through
21 his counsel, Jason Margolis; defendant Abraham Elliott, by and through his counsel, Emily
22 Strand; and defendant Joseph Krieger, by and through his counsel, Lucas Gaffney, for the
23 reasons set forth below, hereby stipulate, agree, and request that the Court enter a protective
24 order in this case restricting the use and dissemination of personal identifying information of

1 each defendants and third parties pursuant to Rule 16(d) of the Federal Rules of Criminal
2 Procedure.

3 1. The grand jury returned an indictment in this case on July 6, 2021. The
4 indictment arises out of an alleged drug trafficking and money laundering operation carried out
5 by the defendants. The government alleges that defendants used a dark web marketplace to take
6 orders for cocaine using cryptocurrency, packaged and shipped cocaine to customers from the
7 Las Vegas area using the U.S. Postal Service, and laundering the proceeds through a series of
8 cryptocurrency transactions and exchanges.

9 2. Defendants Engstrom, Cuomo, and Elliott made their initial appearance
10 pursuant to a Criminal Complaint on June 23, 2021. Defendant Krieger made his initial
11 appearance pursuant to a Criminal Complaint on July 2, 2021. All defendants were arraigned
12 on the Indictment on July 16, 2021.

13 3. As part of its investigation in the above-captioned case, the government is in
14 possession of documents related to the charges against defendants, and seeks to provide those
15 documents to counsel for defendants (although some of the materials may exceed the scope of
16 the government's discovery obligations). The government has commenced production of these
17 materials and intends to provide additional documents.

18 4. The government intends to produce to the "defense team" (defined below) for
19 each defendant, materials containing Personal Identifying Information ("PII") of real persons,
20 including, among other things, personal names, addresses, telephone numbers, Social Security
21 numbers, and bank account numbers. The purpose of the proposed protective order is to
22 prevent the unauthorized dissemination, distribution, or use of materials containing PII of each
23 defendant and third parties. If this information is disclosed without limitation, it will risk the
24 privacy and security of each defendant, as well as the privacy and security of third parties

1 whose PII is contained in the discovery.

2 5. PII makes up a significant part of the discovery in this case and such information
3 itself, in many instances, has evidentiary value. If the government were to attempt to redact all
4 PII from the discovery, the discovery would be difficult to understand, and defense counsel
5 would not be able to adequately evaluate the case, advise their clients, or prepare for trial. In
6 addition, the discovery in this case is voluminous, making it impractical to redact all PII from
7 the discovery.

8 6. The parties recognize that the materials containing PII that the government
9 produces to the defense pursuant to the proposed protective order are solely for the use of
10 defendants, their attorneys, or other individuals or entities acting within the attorney-client
11 relationship to prepare for the trial in this case.

12 7. Accordingly, the parties jointly request a protective order that will permit the
13 government to produce discovery that is unredacted, but preserves the privacy and security of
14 the defendants and third parties.

15 8. The parties agree that the following conditions, if ordered by the Court in the
16 proposed protective order (the "Protective Order"), will serve the government's interest in
17 maintaining the privacy and security of the defendants and third parties, while permitting the
18 defense to understand the government's evidence against the defendants:

19 a. For purposes of the Protective Order, the term "Personal Identifying
20 Information" ("PII") includes any information that can be used to identify a person,
21 including name, address, date of birth, Social Security number, driver's license number,
22 telephone number, account number, or personal identification number. The term
23 "Protected Information" refers to materials containing PII (with the exception of each
24 defendant's own PII, when contained in materials produced to that particular defendant)

1 that the government produces pursuant to the Protective Order.

2 b. For purposes of the Protective Order, the term “defense team” for each
3 defendant refers to (1) the defendant, (2) the defendant’s counsel of record, (3) defense
4 investigators who are assisting defense counsel with this case, (4) retained experts or
5 potential experts, and (5) paralegals, legal assistants, and other support staff to
6 defendant’s counsel of record providing assistance on this case.

7 c. Each defendant’s counsel of record agrees to advise all members of the
8 defense team of their obligations under the Protective Order and ensure their agreement
9 to follow the Protective Order, prior to providing members of their defense team with
10 access to any materials subject to the Protective Order.

11 d. The government is authorized to provide each defendant’s counsel of
12 record with Protected Information marked, either physically or electronically:
13 “CONTENTS SUBJECT TO PROTECTIVE ORDER.” If defendant objects to any
14 such designation, he may do so by application to the Court upon duly noticed motion,
15 following meeting and conferring with the government regarding the objection.

16 e. The defense team shall not permit anyone other than the defense team to
17 have possession of Protected Information.

18 f. The defense teams shall access and use Protected Information for the sole
19 purpose of preparing for trial or any related proceedings in this case. The defense team
20 may review Protected Information with a witness or potential witness in this case.
21 Before being shown any portion of the Protected Information, however, any witness or
22 potential witness must be informed of, and agree in writing to be bound by, the
23 requirements of the Protective Order. No witness or potential witness may retain
24 Protected Information, or any copy thereof, after his or her review of those materials

1 with the defense team is complete.

2 g. The defense team shall maintain Protected Information safely and
3 securely, and shall exercise reasonable care in ensuring the confidentiality of those
4 materials by (1) not permitting anyone other than defense team to see Protected
5 Information, and (2) not permitting Protected Information to be outside the defense
6 team's offices, homes, vehicles, or personal presence.

7 h. To the extent that notes are made that memorialize, in whole or in part,
8 the PII in any Protected Information, or to the extent that copies are made for
9 authorized use by members of the defense team, such notes, copies, or reproductions
10 become Protected Information, respectively, subject to the Protective Order and must be
11 handled in accordance with the terms of the Protective Order.

12 i. The defense team shall use Protected Information and materials otherwise
13 identified as containing PII only for the litigation of this matter and for no other
14 purpose. Litigation of this matter includes any appeal filed by defendant and any
15 motion filed by defendant pursuant to 28 U.S.C. § 2255. In the event that a party needs
16 to file Protected Information, materials otherwise identified as containing PII, with the
17 Court or divulge the contents of such materials in court filings, the filing should be made
18 with appropriate redactions pursuant to LR IC 6-1 or under seal pursuant to the
19 procedures set forth in LR IA 10-5.

20 j. The parties also agree that any PII produced in the course of discovery in
21 the above-captioned matter prior to the date of the Protective Order shall be subject to
22 the terms of the Protective Order.

23 k. Upon the final disposition of this case, any Protected Information,
24 materials otherwise identified as containing PII, shall not be used, in any way, in any

1 other matter, absent a court order. All materials designated subject to the Protective
2 Order maintained in the defense team's files shall remain subject to the Protective Order
3 unless and until such order is modified by court order. Within thirty days of the
4 conclusion of appellate and post-conviction proceedings, the defense team shall return
5 Protected Information and materials otherwise identified as containing PII to the
6 government, or certify that such materials have been destroyed.

7 1. In the event that there is a substitution of counsel prior to when such
8 documents must be returned, new defense counsel must join this Protective Order before
9 any Protected Information, materials otherwise identified as containing PII, may be
10 transferred from the undersigned defense counsel to the new defense counsel. New
11 defense counsel then will become the defense team's custodian of materials designated
12 subject to the Protective Order and shall then become responsible, upon the conclusion
13 of appellate and post-conviction proceedings, for returning to the government, or
14 certifying the destruction of all Protected Information and materials otherwise identified
15 as containing PII.

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2 9. Counsel for each defendant has conferred with their respective client/defendant
3 regarding this stipulation and the proposed order, and each defendant agrees to the terms of the
4 proposed order.
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6 Respectfully submitted,
7 For the United States:

8 CHRISTOPHER CHIOU
9 Acting United States Attorney

10 /s/ Daniel Clarkson
11 DANIEL CLARKSON
12 Assistant United States Attorney

13 For the defense:

14 /s/ Jawara Griffin
15 JAWARA GRIFFIN
16 Assistant Federal Public Defender
17 Attorney for PAUL ENGSTROM

18 /s/ Jason Margolis
19 JASON MARGOLIS
20 Attorney for VINCENT CUOMO

21 /s/ Emily Strand
22 EMILY STRAND
23 Attorney for ABRAHAM ELLIOTT

24 /s/ Lucas Gaffney
 LUCAS GAFFNEY
 Attorney for JOSEPH KRIEGER

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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

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14 PAUL ENGSTROM, VINCENT
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16 Defendants.

Case No. 2:21-cr-00190-APG-EJY

**STIPULATION FOR A
PROTECTIVE ORDER**

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18 The Court has read and considered the Stipulation for a Protective Order, filed by the
19 parties in this matter, which this Court incorporates by reference into this order, and FOR
20 GOOD CAUSE SHOWN the Court hereby FINDS AND ORDERS as follows:

21 1. The discovery in this case contains the Personal Identifying Information (“PII”)
22 of real persons, including, among other things, personal names, addresses, Social Security
23 numbers, and bank account numbers.

24 2. If the government were to redact all personal identifying information, the

1 discovery would be difficult to understand, and defense counsel would not be able to
2 adequately evaluate the case, advise their clients, or prepare for trial. In addition, the discovery
3 in this case is voluminous, making it impractical to redact all PII from the discovery.

4 3. The Court finds it is appropriate, therefore, for the government to produce
5 unredacted discovery that contains PII, pursuant to a Protective Order that preserves the
6 privacy and security of the defendants and third parties.

7 4. The Protective Order as requested by the parties will serve the government's
8 interest in maintaining the privacy and security of the defendants and third parties while
9 permitting the defense to understand the government's evidence.

10 5. Accordingly, the discovery containing PII that the government will provide to
11 defense counsel in the above-captioned case will be subject to this Protective Order, as follows:

12 a. For purposes of the Protective Order, the term "Personal Identifying
13 Information" ("PII") includes any information that can be used to identify a person,
14 including name, address, date of birth, Social Security number, driver's license number,
15 telephone number, account number, or personal identification number. The term
16 "Protected Information" refers to materials containing PII (with the exception of each
17 defendant's own PII, when contained in materials produced to that particular
18 defendant's counsel) that the government produces pursuant to the Protective Order.

19 b. For purposes of the Protective Order, the term "defense team" for each
20 defendant refers to (1) the defendant, (2) the defendant's counsel of record, (3) defense
21 investigators who are assisting defense counsel with this case, (4) retained experts or
22 potential experts, and (5) paralegals, legal assistants, and other support staff to
23 defendant's counsel of record providing assistance on this case.

24 c. Each defendant's counsel of record agrees to advise all members of their

1 defense team of their obligations under the Protective Order and ensure their agreement
2 to follow the Protective Order, prior to providing members of the defense team with
3 access to any materials subject to the Protective Order.

4 d. The government is authorized to provide defendant's counsel of record
5 with Protected Information marked, either physically or electronically: "CONTENTS
6 SUBJECT TO PROTECTIVE ORDER." If defendant objects to any such designation,
7 he may do so by application to the Court upon duly noticed motion, following meeting
8 and conferring with the government regarding the objection.

9 e. Each defense team shall not permit anyone other than the members of
10 that defense team to have possession of Protected Information.

11 f. The defense team shall access and use Protected Information for the sole
12 purpose of preparing for trial or any related proceedings in this case. The defense teams
13 may review Protected Information with a witness or potential witness in this case.
14 Before being shown any portion of the Protected Information, however, any witness or
15 potential witness must be informed of, and agree in writing to be bound by, the
16 requirements of the Protective Order. No witness or potential witness may retain
17 Protected Information, or any copy thereof, after his or her review of those materials
18 with the defense team is complete.

19 g. The defense teams shall maintain Protected Information safely and
20 securely, and shall exercise reasonable care in ensuring the confidentiality of those
21 materials by (1) not permitting anyone other than defense team members to see
22 Protected Information, and (2) not permitting Protected Information to be outside the
23 defense team's offices, homes, vehicles, or personal presence.

24 h. To the extent that notes are made that memorialize, in whole or in part,

1 the PII in any Protected Information, or to the extent that copies are made for
2 authorized use by members of the defense team, such notes, copies, or reproductions
3 become Protected Information, respectively, subject to the Protective Order and must be
4 handled in accordance with the terms of the Protective Order.

5 i. The defense team shall use Protected Information, materials otherwise
6 identified as containing PII, only for the litigation of this matter and for no other
7 purpose. Litigation of this matter includes any appeal filed by defendant and any
8 motion filed by defendant pursuant to 28 U.S.C. § 2255. In the event that a party needs
9 to file Protected Information, or materials otherwise identified as containing PII, with
10 the Court or divulge the contents of such materials in court filings, the filing should be
11 made with appropriate redactions pursuant to LR IC 6-1 or under seal pursuant to the
12 procedures set forth in LR IA 10-5.

13 j. The parties also agree that any PII produced in the course of discovery in
14 the above-captioned matter prior to the date of the Protective Order shall be subject to
15 the terms of the Protective Order.

16 k. Upon the final disposition of this case, any Protected Information,
17 materials otherwise identified as containing PII, shall not be used, in any way, in any
18 other matter, absent a court order. All materials designated subject to the Protective
19 Order maintained in the defense team's files shall remain subject to the Protective Order
20 unless and until such order is modified by court order. Within thirty days of the
21 conclusion of appellate and post-conviction proceedings, the defense team shall return
22 Protected Information and materials otherwise identified as containing PII to the
23 government, or certify that such materials have been destroyed.

24 1. In the event that there is a substitution of counsel prior to when such

documents must be returned, new defense counsel must join this Protective Order before any Protected Information, materials otherwise identified as containing PII, may be transferred from the undersigned defense counsel to the new defense counsel. New defense counsel then will become the defense team's custodian of materials designated subject to the Protective Order and shall then become responsible, upon the conclusion of appellate and post-conviction proceedings, for returning to the government, or certifying the destruction of all Protected Information and materials otherwise identified as containing PII.

IT IS SO ORDERED:


ELAYNA J. YOUCHAH
United States Magistrate Judge

August 12, 2021

Date